

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

KOCH FOODS OF ALABAMA, LLC,)
an Alabama limited liability company,)
)
)
Plaintiff,)
)
v.)
)
GENERAL ELECTRIC CAPITAL)
CORPORATION,)
a Delaware corporation,)
)
Defendant.)

Case No. 2:07cv522-MHT

RULE 26(f) REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, a meeting was held by telephone on Monday, July 9, 2007, and was attended by the following:

Thomas G. Mancuso and Eugene J. Geekie, Jr., representing Plaintiff Koch Foods of Alabama, LLC; and

Rusha C. Smith and Timothy S. Harris, representing Defendant General Electric Capital Corporation.

2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Rule 26(a)(1) within 21 days of the entry of the Court's scheduling order.
3. **Discovery Plan.** The parties jointly propose the following discovery plan:
 - (a) All discovery commenced in time to be completed by December 4, 2007.
 - (b) Maximum of 10 depositions by each party, with a maximum time limit of 8 hours per deposition unless extended by agreement of the parties. These limitations do not include depositions of expert witnesses designated pursuant to Subsection (g) below. Each party is entitled to a deposition of each designated expert, not to exceed 8 hours per deposition.
 - (c) Maximum of 50 Interrogatories by each party, with responses due within thirty days after service.
 - (d) Maximum of 50 Requests for Admissions by each party, with responses due within thirty days after service.
 - (e) Maximum of 50 Requests for Production by each party, with responses due within thirty days after service.

- (f) Supplements under Federal Rule of Civil Procedure 26(e) are due 15 days before the close of discovery.
- (g) The parties could not reach an agreement on a method for disclosing experts, so they include the proposed language for each side to be considered by the Court:

Plaintiff's Proposal: Reports from retained experts under Federal Rule of Civil Procedure 26(a)(2) are due from Plaintiff, and from Defendant/Counter-Plaintiff (if Defendant/Counter-Plaintiff chooses to retain an expert regarding its Counterclaim) by October 22, 2007, and any such experts shall be made available for deposition by no later than November 9, 2007. Rebuttal reports from retained experts for Defendant/Counter-Plaintiff (and Plaintiff, if Defendant/Counter-Plaintiff retains an expert for its Counterclaim) are due by November 16, 2007, and any such experts shall be made available for deposition by no later than November 27, 2007.

Defendant's Proposal: Reports from retained experts under Federal Rule of Civil Procedure 26(a)(2) are due from Plaintiff by October 1, 2007, and any such experts shall be made available for deposition by no later than October 22, 2007. Reports from retained experts from Defendant are due by October 30, 2007, and any such experts shall be made available for deposition by no later than November 20, 2007.

4. Other Items.

- (a) The parties do not request a conference with the Court before entry of the scheduling order.
- (b) The parties request a pretrial conference in early March 2008.
- (c) Any motions to amend the pleadings or to join additional parties should be filed within 60 days of the entry of the Court's scheduling order.
- (d) All potentially dispositive motions should be filed by December 4, 2007.
- (e) Settlement and mediation cannot realistically be evaluated until the parties conduct further discovery.
- (f) Final list of trial witnesses and exhibits under Federal Rule of Civil Procedure 26(a)(3) must be served and filed 30 days before trial.
- (g) Objections to trial witnesses and exhibits are to be filed 15 days before trial or objections will be deemed waived.
- (h) This case should be ready for trial by the civil jury term commencing March 31, 2008.
- (i) Trial is expected to last 3-4 days.

Attorneys for all parties participated in the preparation of this Report of the Parties' Planning Meeting. Counsel for Plaintiff and counsel for Defendant have approved this report

and give permission to the undersigned to file it electronically with the Court on behalf of all the parties.

Respectfully submitted on July 9, 2007.

/s/ Thomas G. Mancuso
One of the Attorneys for Plaintiff

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